DANGELEKIY Cook

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 2-28-75, Pltf.

D. C. Form No. 106A Rev.

ATTORNEYS TITLE OF CASE For rlaintiff: Robert E. Hall JANIE McGHEE, Plaintiff Bob Hall & Associates San Felite Square Suite 125 VS 8-527-4011 5850 San Felite Houston, Texas 77057 8-713-977-2333 INDEPENDENT SCHOOL DISTRICT #4, DANIEL D. DRAPER, Superintendent; DANIEL D. DRAPER; LEROY CHAMBERLAIN: DALE BROWN: EDWARD BIL-E. Terrill Corley LUPS: J. W. PUCKETT, and FLOYD E. MOTT, 308 Center Unfice Bldg. Defendants. Tulsa, OK 74127 582-9121 939 0943 744-6641 in am a 11-23.81 DANIEL D. DRAPER, Superintendent; DANIEL D. DRAPER; FLOYD E. MOTT; MONTIE JONES; JERRY STAFFORD; DON LARMON; and QUENTIN RILEY KARSetreated 11-12-21 Defendants as of amended 0 complaint dated 6-15-78. For defendant: Gene A. Davis FLOYD MOTT, (MAX SHELLY, MONTIE JONES, Smith & Davis BILL CRITES, RONALD DALE DUNCAN - substituted P. O. Drawer J per 11-23-81 Order) Jay, Okla. 74346 Joseph R. Farris & Wm. S. Hall Suite 816 Enterprise Bldg Tulsa, Okla. 74103 583-1134 Larry L. French deceased Office of the General Counsel Box 18 Southern Illinois University Edwardsville, IL 62026

Ξ	STATISTICAL RECORD	COSTS		DATE	name or receipt no.		REC.	DI	SB.
Ξ	J.S. 5 mailed 9-1-24 12-1-77 3-1-87	Clerk		-12-74 -15-74	-	15	00	15	00
	J.S. 6 mailed 9 - 1 79	Marshal							
	Basis of Action: Violation of XIV Amendment; in-	Docket fee							
	junctive relief; money judgment.	Witness fees							
	Action arose at:	Depositions							
						editorio di con			

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-12-74	1. Complaint, filed.k Summons issued.k	en e
8-27-74	U.S. Marshal's service returned and filed. Served Dan D. Draper on 8-20-74; served Leroy Chamberlain 8-20-74; served Dale Brown 8-20-74; served Edward Billups 8-13-74; served J. W. Puckett 8-13-74; served Floyd Mott 8-13-74 (USM \$49.24)1m	4 * 1 * 1 * 1 * 1 * 1 * 1 * 1 * 1 * 1 *
9-4-74	2. Sep. Ans. of defts. Leroy Chamberlain, Dale Brown, Edward Billups J. W. Puckett and Floyd E. Mott, filed. lm and Brief	3,
9-4-74	3. Motion/of defts. Leroy Chamberlain, Dale Brown, Edward Billups, J. W. Puckett and Floyd E. Mott to dismiss pltf's cause, filed.	Lm
9-4-74	4. Sep. Ans. of deft. Daniel D. Draper, filed. lm	
9-4-74	5. Motion and Brief in Support of Motion of deft. Daniel D. Draper to Dismiss Pltf's Cause, filed. lm	
9-9-74	6. Ltr. to pltf. from FD, 9/6/74, directing pltf. to respond to respective motions to dismiss of defs., w/brief by 9/21/74, filed. (FD-J)rm	
9-17-74	7. Brief of Pltf. in Response to Defts.' Motion to Dismiss, filed. v	
	8. Response to Deft's Motion to Dismiss. b	
12-16-74	9. Order, filed, overruling defs. motions to dismiss.(FD-J)rm copies	md.
1-8-75	MO:Ordered by the Ct. that this case is transferged to Judge Cook(FD-	J)rm
2-7-75	10. Appl. & ORDER that Deft. Independent School Dist. #4 is granted leave to file its ans. & mot. to dismiss w/brief, filed. (HDC-J)v	
2-7-75	11. Separate Ans. of Deft. Independent School Dist. #4, filed. v	
2-7-75	12. Mot. of Deft. Independent School Dist. #4 to Dismiss Pltf.'s Cause with Brief attached, filed. v	
2-7-75	MO: Ordered by the Court that Pltf. is granted 10 days from this date to respond to the Motion of Deft. Independent School Dist. #4 to Dismiss Pltf.'s Cause. (HDC-J)v	(
2-18-75	13. Response of pltf. to deft. Independent School Dist. 4's motion to dismiss, filed. g	
2-20-75	14. Response Brief to Mtn. of Deft. Ind. School Dist. #4 to Dismiss Pltf's Cause of Action, filed.jj	
2-28-75	15. Request for Jury Trial, filed by Pltf. v	
3-17-75	Dep. of Leroy Chamberlain and Daniel Draper on behalf of pltf. taken before Loyd Christenson, CSR on 2-21-74, filed. Fee of \$208.50 pd. by pltf.jj	(
3-19-75	Deposition of JANIE MCGHEE on behalf of Deft., taken on 2-21-75, taken before Jimmie J. Reed, CSR. Fee of \$69.00 pd by defts., filed. mm	
3-19-74	Deposition of EDWARD BILLUPS ON BEHALF OF Plf. taken on 2-21-75, taken before Jimmie J. Reed, CSR. Fee of \$41.00 pd by Plf., file	ed. mm

SHEET NO. 2, PAGE NO. 3

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-8-75	Order, filed and entered, sustaining mo/dismiss of deft. Indep. Scho Dist. #4. (HDC-J)hm (copies mailed)	o1
4-8-75	MO: Case set for PT hearing 4-30-75 at 1:30 p.m. (HDC-J)hm	
4-30-75	MO: Pre-trial hearingheld. Statements made. Pltf. to prepare pre-trial order within 10 days, and case to be set for jury trial, possibly in August. Trial briefs to be filed 10 days prior to trial, with requested instructions. (HDC-J)hm	У
5-21-75	17. Pretrial order, filed. (HDC-J)g	
-6-12-75	MO: Case set for jury trial 8-11-75 at 10:00 a.m. (HDC-J)hm	
616 - 75	Deposition of Dale Olen Brown, James Warren Puckette & Floyd Earl Mott, filed, taken on 4-2-75 before Anita L. Hughes, DCR, in Okla. with fees of \$41.00 pd. by pltf. sw	
7-30-75	18. Defts' trial brief, filed.k	
7-30-75	19. Amendment to Complaint with Deft.s' Consent, filed. v	
8-1-75	20. Motion of pltf. to give requested instructions, w/instructions attached, filed. rm	
8-1-75	21. Trial brief of pltf., filed. rm	
8-11-75	MO: Case called for jury trial. Parties represented and announce ready. Jury empaneled and admonished and case continued until 9:30 a.m. 8-12-75. (HDC-J)hm	
8-14-75	Jury trial held 8/11, 8/12, 8/13 & 8/14, 1975. Parties appear in person & rep., and announce ready. Rule invoked. Pltf. & def. make opening statements. At close of pltf. statement, def. moves for directed verdict - overruled. Pltf. presents case in chief w/testimony of witnesses and rest. Trial exhibits admitted. Deft. restates motion for directed verdict. 8/14/75, hrg. held on mo/directed verdict out of hearing of jury. Oral argument heard. Court sustains motion for directed verdict. Pltf. moves to amend pleadings - denied Pltf. gives oral notice of appeal. 8/14/75 at 9:55 a.m. jury returned to box. Ct. makes statement to jury, and jury discharged at 10:10 a. 8/14/75. Def. directed to prepare proper journal entry of judg. within 5 days and submit to court.(HDC-J) (Tom Bloxom-CR)rm	d. ed
8-14-75 8-18-75	22 Judgment, filed & entered; motions for directed verdict by each defendant are sustained and judg. entered against the pltf, at cos of pltf. (HDC-J)g	3 t
8-22-75	Reporter's Transcript of Proceedings had on 8-14-75 - Hearing on Motion for Directed Verdict, filed. lm	
8 = 26 = 75	Plaintiff's Motion to Amend Pleadings, filed. mm	
8-27-75	MO: The plaintiff has filed its motion to amend the pleadings. Inas- much as the Court overruled plaintiff's oral motion to amend pleadings.	ead-
	ings in open Crt on 8-14-75, it is ordered that the motion to ame	end .

DATE	PROCEEDINGS	Date Order or Judgment Note
8-28-75 8-28-75 8-28-75	the pleadings, filed by the plaintiff on 8-26-75, is hereby overruled and the order of the Court entered on 8-14-75 is still in full force and effect. (HDC-J) cps mld mm Plaintiff's Motion for New Trial, filed. mm Brief in Support of Plaintiff's Motion for New Trial, filed. mm MO: It is ordered by the Court that the defendant file a responsiv brief within 10 days to the plaintiffs' Motion for New Trial. (HDC-J) cps mld mm	
9-5-75	27. Defendants' Responsive Brief to Plaintiff's Motion for New Tria filed. mm	1,
9-22-75	28. Order, filed, overruling Pltf's Mtn. for New Trial.(HDC-J)jj copies mailed.	
10-22-75	29. Notice of appeal by plaintiff, filed. g cpies to USCA & counsel.	
10-23-75	30. Bond on appeal (cash), filed. g	
11-18	Reporter's transcript of jury trial proceedings (Vol. I), filed. (T. Bloxom-CR)rm	
11-18	Reporter's transcript of jury trial proceedings had 8/11/75 thru 8/14/75 (Vol. II), filed. (T. Bloxom-CR)rm	
12-1-75	Appeal record (4 vols.) sent to USCA. g	
11-18-77	Mandate and Opinion of 10th Circuit, filed and spread of record, affirming in part and reversing in part; cause remanded for further proceedings in accordance with opinion. rm	
11-23	MO: Case set for PT hrg. 1-3-78 at 3:30 p.m. (HDC-J)hm (notices mailed)	
	Appeal record (4 vols) received from USCA.rm	
12-5	Appl. of Robert E. Hall for admission of non-resident attyrney for limited practice as atty for pltf., filed. rm	
12-7 33	Order, filed, granting applic. of Robert E. Hall for adm. for limited practice. (HDC-J)hm (cps to Hall)	
12-8 34	Appl. and stipl. of counsel for cont. of pretrial, filed.rm	
12-09	Order, fld., granting stip. of counsel & appl. for continuance from pretrial docker of 1-3-78. (HDC-J)v -cps. mld.	.
	Appl. of pltf. for refund of appeal bond, filed. ph (O to J)	
	Order, filed, that Clerk disburse appeal bond in amt. of \$250 to E. Terril Corley.(HDC-J)rm	4
1-3-78	at 9:30 a.m.; 40: Case set for PT hrg. 3-7-78% disc. to be complete by 2-24; PT memor order to be filed by 2-28. (HDC-J)hm	
1-12	MO: Case set for JURY TRIAL 6-12-78 at 9:30 a.m.; trial briefs, req. instr. & req. voir dire to be filed by 6-1-68. (HDC-J)hm	
1-23-78	Appl. of E. Terril Corley to withdraw as atty for pltf., filed. ph	(O to J)

SHEET 3, PAGE 5

D. C. 110A Rev.	Civil Docket Continuation PROCEEDINGS	Date Order or Judgment Note
	Order, filed, allowing E. Terril Corley to withdraw as atty. for pltf. (HDC-J)hm (cps mailed)	
	MO: CASE RESET FOR PT HRG. 3-6-78 at 9:30 a.m. (HDC-J)hm	
	Pltf's appl. for ext of time for filing pre-trial memo, filed. ph Ordered that relief sought by pltf's appl. for ext of time for filing pre-trial memo is granted. (appl. states pltf. will ask for leave to file an amended complaint by 3-6-78; that time for filing a pre-trial memo is extended until after the Ct. rules on pltf's req. for leave to file an amended complaint and, if the amendment is permitted, after defts. have responded to that amended complaint) (HDC-J)ph cps mld	
3-6 42.	Pltf's motion to add additional parties and to amend pleadings, filed. ph (amendment is attached.) (O to J)	
3-6	MO: Pre-trial hrg. held. Statements made. Pltf. directed to file brief in support of mo/add parties & to amend by 4-3-78; deft. to respond 20 days thereafter. Further PT conf. to be set after decisio on mo/amend. Question of jury to be determined at a later time. (HDC-J)hm	n
3-20 3-22	43. Appearance of E. Terrill Corley as local counsel for pltf., file Reporter's transcript of proceedings had on 3-6-78, PT conf., filed. ph	d. ph
4-5	44. Pltfs. opening brief in supp. of her mot. to add parties & amend pleadings. fld. ho	
4-24	45. Defts' brief in oppos. to pltf's mo/add parties and amend pleadi filed. ph	ngs,
5-19 5-23	46. Order, filed, that pltf. mo/add parties and amend pleadings is sustained in part and overruled in part; pltf. is given 10 days to file amended complaint consistent w/this order.(HDC-J)rmcopie 47. Defts' motion for continuance from trial setting of 6-12-78,	s md.
	filed. ph (O to J)	
5 - 23	48. Order, filed, striking case from JT setting to be reset by court (HDC-J)rm-copies to movant	
6-2	MO: CASE SET FOR PT HRG. 8-1-78 at 11:00 a.m.; DISC. TO BE COMPLETE & PTO or PT memo to be filed by 7-25. (HDC-J) hm	7-21
6-15	49. Pltf's first original amended complaint, filed, w/leave granted to file out of time. (HDC-J)ph cpy to pltf; deft. called (Added four new parties)	
6-26	50. Motion of defts. to dismiss for failure to state cause of action motion to strike & mo/dismiss 1st amendment claims, filed.rm	,
6-26	51. Brief in support of defts. motions, filed. rm	
6 - 26	52. Mo/dismiss of Draper as Superintendent & ind., and to prohibit substitution of party deft. & brief, filed.rm	
6 - 27	MO: Ordered by the Ct. that pltf. is granted 10 days from this date to respond to defts. motions to dismiss; mo/strike; mo/dismiss lst amendment claims & mo/prohibit sub. of party deft.(HDC-J)rm-	letter

pg. 6 g 3 ...

		Date Order or
DATE	PROCEEDINGS	Judgment Note
7 - 6 - 78	3. Pltf's applic. for ext. of time for filing brief and PTO, fld. (0 to J)ra	
7 - 6	54. Order, fld, granting pltf. until 7-25-78 to file resp. brief; withdrawing requirement that PTO be fld on that date; retaining case on PT DOCKET FOR 11:00 a.m. on 8-1-78. (HDC-J)ra. cp to mvnt.	
7-18	MO: CASE STRICKEN FROM HRG. OF 8-1 & RESET FOR PT HRG. 9-7-78 at 11:0 a.m.; DISC. COMPLETION EXT. TO 8-28 & PTO OR MEMO DUE 8-31. (HDC-J) hm	0
8-30	MO: CASE RESET FOR PT HRG. 9-6-78 at 11:00 a.m. (HDC-J) hm	
9-5	MO: <u>CASE STRICKEN FROM PT DOCKET OF 9-6-78, TO BE RESET</u> . (HDC-J)hm (Parties phoned)	
9 - 8	55. Appl. of pltf. for filing brief out of time, filed.rm(0)(orig. brief w/order)	
9 - 8	56. Order, fld, allowing pltf. to file brief out-of-time. (HDC-J)ra cps	to mov.
9 - 8	57 Pltf's second brief in resp. to deft's mot/dismiss and mot/strike	fld.ra
12-11	Draper, and to prohibit substitution of party deft.,w/order granti leave to file out of time.(HDC-J)ra	ng
12-29	59 Order, fld and entered, that defts' mot/dismiss First Amendment clai and mot/strike are hereby SUSTAINED, and this action is hereby dis in its entirety; in view of these rulings, defts' mot/dismiss for failure to state a claim and mot/dismiss Daniel Draper and his successor are now MOOT. (HDC-J)ra cps mld	ms missed
1979		
1-25	60. Notice of appeal by pltf., from order of 12/29/78, filed.rm-c/m U	SCA
1-25	61. Bond for costs on appeal (\$250 surety), filed. rm	**
3-5	Record on appeal (2 vols) transmitted to 10th Circuit.rm	
3-22	Letter from 10th Circuit, assigning No. 79-1224. rm	
1981 2-12	62. MANDATE & OPINION of 10th Circuit, reversing & remanding for further proceedings. rm	
2-12	63. STATEMENT OF COSTS from 10th Cir., taxed against defts. in amt. of \$375.37.(JCS-Clk)rm	
2-12	CASE REOPENED.rm	
2-23	PT Hrg set for 5/13/81 at 9:30. PTO due 5/6/81 & disc completed by 5/3/81.(HDC-J) am ntc/mld	
2-23	APPEAL RECORD (2 vols) received from 10th Cir. rm	
4-13	64 APPLIC for exten of time for filing PT memo etc. am	

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CIVIL DOCKET CONTINUATION SHEET

-	PLAINTIFF	DEFENDANT	
			DOCKET NO.
	JANIE McGHEE	DANIEL DRAPER, et al	PAGE 7 OF PAGES

JANIE Mc	GHEE		DANIEL DRAPER, et al	PAGE OF PAGES
1 ⁹ 8 ⁷ F	NR.		PROCEEDINGS	
4-20	65	ORDER granting pltf	Es until 7/19/81 to file PT memo	.(HDC-J)am
6-19	MO:	CASE set for pretra 7/31/81.(HDC-J	ial, 8/6/81; disc. by 7/27/81; p rm-ntc	to or memo by
7-31	66	PRETRIAL conference	e memo re:6-19-81 minute. jc	
8-5	67	MOTION of Defts. to Daniel D. Drag	o substitute parties Deft. & MOT per. pt	ION to dismiss
8-6	Min:	9/21/81; defts. 1 amend complaint a	f. to respond to defts. m/substi 0 days thereafter by reply. Pltf fter Ct. rules on mo/substitute. trial set 2/22/81 at 9:30 a.m. cr)rm	. to file motion Disc. extended
8-7		DEPOSITION of Dan	iel E. Draper. (FEE:\$148.00 pd b	y pltf). dm
8-7		DEPOSITION of Dal	e Brown. (FEE:\$40.00 pd by pltf)	dm
8-7		DEPOSITION of Ler	oy Chamberlain. (FEE:\$78.00 pd k	oy pltf) dm
8-7		DEPOSITION of Flo	yd E. Mott. (FEE:\$122.00 pd by p	oltf) dm
8-7		DEPOSITION of Edw	ard Billups(FEE:\$72.00 pd by plt	cf) dm
8-7		DEPOSITION of J.W	. Puckett (FEE:\$80.00 pd by plti	E) dm
9-8		TRANSCRIPT on pro	ceedings had on 8-6-81. jc	
9-21	68	and opposi	add parties, to reconsider distinction to defts' mo to substitute to dismiss Daniel D. Draper.	parties deft
9-21	69	MEMORANDUM of plt	of in support of motion #68. dm	•
10-5	70	dismissal	n resp to pltf's mo/add ptys & to of ptys & in reply to pltf's br mo/substitute ptys deft & to di . jc	iefs in oppos
11-23	71	Daniel D. Dire:substitu & Ronald Da pltf'smo/re	ts combined mo/substitute ptys & raper; further granting pltfs mote. of Max Shelly, Montie Jones, le Duncan as Board members; furt consider dismissal of ptys re:brooking. Board & Mr. Draper. (HDC-J)	o/add ptys Bill Crites Ther denying Tinging back

MO: JURY trial heretofore set for 2/22/82 is stricken and reset for

Mon., 3/15/82 at 9:30 a.m.; req. voir dire & inst. by 3/5/82.(HDC-

rm-ntc

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIF	F		DEFENDANT	
		,	·	DOCKET NO.
JANIE	McGH	EE	DANIEL DRAPER, et al	PAGE 8 OF 4 PAGES
P985	NR.		PROCEEDINGS	
3-5	72	REQUESTED VOIR DIRE	E of defts.a	
3-5	73	REQUESTED JURY INST	TRUCTIONS of deft.a	
3-5	74	REQUESTED JURY INST	TRUCTIONS of pltf.a	
3-12	MO:	Jury selection to c	commence at 9:30, 3/15/82. Trial (HDC-J)rm-parties phoned	to start at
3-15	75	SUPPLEMENTATION & co	orection of depos of Janie McGhe	e Cook taken
3-19	Min:	denied. Jury ret	ch 15, 16, 17, 18, 19, 1982. Defiturns w/verdict in favor of pltfpare formal judg.(HDC-J)(V. Mick	. Pltf. counsel
3 - 19	76	SPECIAL VERDICT form	m. rm	
3-19	77	INSTRUCTIONS to the	Jury. rm	
4-16	78	MOTION for judgment	& injunctive order.a	
4-16	79	MEMORANDUM in suppo	rt of the pltfs mot/judgment & i	njunctive order.a
4-22	80		tfs mot/judgment & injunctive de	•
4-27	MO:	CASE set for hrg. c 10 a.m.(HDC-J)rm-n	on pltf. mo/judg. & inj. decree d	For Fri., 5/14/82
5-12	81	ATTORNEY'S FEES AFF	IDAVIT.a	
5-12	82	DECLARATION OF Davi	d M. Silberman.a	
5-13	83	AFFIDAVIT of David	Rubin in support of pltf's req.f	or atty's fees.jc
5-14		granted 10 days to a on atty. fees if det Pltf. sworn & testifict. finds pltf. show by State for teaching the Ct. Ct. retain	mo/judg. & inj. decree and pltf. respond to atty. fee question. ft. objs. thereto. Re pltf. mos/fies. Bill London sworn & testifuld be reinstated subj. to propeng cert. Judg. & Inj. approved ins juris. of matter of attys. ft benefits.(HDC-J)(VM-cr)rm	Hrg. to be held judg. & inj. decreed ies for defts. recrtification and to be filed
5-17		employment of properties of the second secon	n as to Okla.Indp.School Dist.#4 pltf.;Ct. to retain jurisidction om entry of this decree that pty benefits.(HDC-J)jc(c/ptys)	of this cause s may inform the
5-17	85	JUDGMENT/that pltf : this action. (HDC	recover \$110,000.00 from defts w C-J)jc(c/ptys)	/int & costs of

5-26			EEDINGS	page 9 of 5 page
5-24 5-26	NR.	PROC	EEDINGS	page 9 of 5 page
5-24 5-26	86			
5-26		RESP of deft to pltfs applic fo	r attys fees.a	
	87			
5-26		SUPPL. atty. fee affidavit No.	l of pltf. counsel,	Bob Hall. rm
	88	BILL OF COSTS of pltf. in amt. Clerk 6/15/82 at 10:30 a.m. r		st hrg. set befo
5-27	89	MOTION of defts for new trial.a		
5 - 27	90	BRIEF in support of #89.a		
6-3	MO:	ORDERED that cost hrg. of 6/15/8 to be reset upon their request		req. of counsel,
6 - 4	91	RESP of defts to pltfs bill of affidavit no. 1.a	costs & supplementa	l atty fees
6-7	92	RESPONSE of pltf to defts' objec	ts to pltf's app. f	or atty's fees.
6-17		LTR. recd. frompltf. counsel re	retirement benefits	. rm
6-21		LTR. recd. from pltf. counsel, r	e addl. retirement	benefits. rm
6-28	MO:	HRG. on pending motions set for	Fri., 8/13/82 at 2	p.m.(HDC-J)rm-n
7-26	93	AGREED ORDER of ptys; that the Control; that the Okla. State the pltf's repay. of any a under no obligation to mak of those retire benefits. Sobligation to pay any mone stated all provisions of the school Dist. #4, to pay to behalf app. for attys' fee \$90,000.00. (HDC-J)jc(cc/W	Teachers' Retire.S mts w/drawn & there e restitution to the deft,School Dist., y to the pltf; exce he Ct's Perm.Injunc effect; the Ct. ord the pltf & to the s & costs have been	ystem w/accept fore, defts are e pltf for loss is under no pt as prev. .& jmn't filed ers deft Indpt. attys on whose
8-3		DEPOSITIONS & EXHIBITS returned	to parties. hm	
1983 3-3		EXHIBITS returned to parties. h	m	
8-13-84	94	RELEASE & SATISFACTION of judgme	ent.a	

PLAINTIFF DEFENDANT DATE NR. PROCEEDINGS	PAGE OF PAG
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DATE NR. PROCEEDINGS	
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